

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MYRON WATSON  
*Petitioner,*

v.

THERESA DELBALSO; THE DISTRICT  
ATTORNEY OF THE COUNTY OF  
DELAWARE; and, THE ATTORNEY  
GENERAL OF THE STATE OF

PENNSYLVANIA

*Respondents.*

:

:

:

:

CIVIL ACTION  
NO. 17-3191

**MEMORANDUM**

**Jones, II J.**

**July 16, 2020**

**I. Introduction**

Petitioner filed the instant *pro se* habeas petition pursuant to 28 U.S.C. § 2254, challenging his August 31, 2005 conviction in the Delaware County Court of Common Pleas on charges of Kidnapping, Criminal Conspiracy, and Terroristic Threats. In support of same, Petitioner's arguments may be summarized as follows: the trial court erred regarding various evidentiary rulings; trial and appellate counsel were ineffective; his sentence was illegally enhanced; and, he is entitled to a new trial due to newly discovered evidence. Upon referral from this Court, United States Magistrate Judge Marilyn Heffley prepared a Report and Recommendation, recommending denial of Petitioner's request for habeas relief. Petitioner filed objections to the R&R and Respondents filed an Answer thereto, rendering the matter ripe for review.

## II. Standard of Review

When objections are filed to the Report and Recommendation (“R&R”) of a Magistrate Judge, the district court must conduct a *de novo* review of those portions of the R&R to which objections are made. 28 U.S.C. §636(b)(1). Although courts must give liberal construction to *pro se* habeas petitions, “[o]bjections which merely rehash an argument presented to and considered by a magistrate judge are not entitled to de novo review.” *Gray v. Delbiaso*, No. 14-4902, 2017 U.S. Dist. LEXIS 101835, at \*11 (E.D. Pa. June 30, 2017). “Where objections do not respond to the Magistrate’s recommendation, but rather restate conclusory statements from the original petition, the objections should be overruled.” *Prout v. Giroux*, No. 14-3816, 2016 U.S. Dist. LEXIS 57085, at \*30 (E.D. Pa. Apr. 29, 2016); *see also Guzman v. Rozum*, No. 13-7083, 2017 U.S. Dist. LEXIS 55661, at \*22 (E.D. Pa. Apr. 12, 2017) (“[F]ederal district courts are not required to engage in *de novo* review of objections to a Magistrate’s R&R that lack specificity.”); *Luckett v. Folino*, No. 1:09-CV-0378, 2010 U.S. Dist. LEXIS 100018, at \*2 (M.D. Pa. 2010) (denying objections to R&R because “[e]ach of these objections seeks to re-litigate issues already considered and rejected by [the] Magistrate Judge[.]”)

## II. Discussion

Petitioner herein raises five objections to the magistrate’s rulings on all but two of the issues initially presented in his habeas petition. (Objs. ¶¶ A-E.) Upon review of Petitioner’s objections, this Court finds same to be unresponsive to the R&R issued by Judge Heffley. Petitioner provides no basis for his objections, but instead, reiterates the same issues presented in his habeas petition. Although Petitioner takes objection to the magistrate’s ruling on these issues, he fails to explain *why* he believes Judge Heffley is wrong or *how* Judge Heffley misapplied the law. As such, Petitioner’s Objections are not entitled to *de novo* review. *Gray*,

2017 U.S. Dist. LEXIS 101835, at \*11 (“Objections which merely rehash an argument presented to and considered by a magistrate judge are not entitled to de novo review.”); *see also Cherry v. Wynder*, No. 05-2560, 2007 U.S. Dist. LEXIS 21728, at \*22, 27 (E.D. Pa. Mar. 26, 2007) (overruling objections to a R&R when they did not respond to the recommendations, but instead merely repeated assertions made in the habeas petition).

In view of the foregoing, *none* of Petitioner’s objections are entitled to *de novo* review. Instead, this Court must review the R&R for clear error. *See Crist v. Kane*, No. 3:14-CV-01412, 2016 U.S. Dist. LEXIS 131107, at \*4 (M.D. Pa. Sept. 26, 2016) (“[T]he Court reviews the portions of the Report & Recommendation to which the petitioner objects specifically *de novo*. The remainder of the Report & Recommendation, and any portion the petitioner objects to generally, is reviewed for clear error.”). Having done so and finding no clear error in this case, the R&R shall be approved and adopted.

#### **IV. Conclusion**

For the reasons set forth herein above, Petitioner’s objections to the Honorable Marilyn Heffley’s Report and Recommendation shall be overruled and the Report and Recommendation shall be adopted and approved.

An appropriate Order follows.

BY THE COURT:

/s/ C. Darnell Jones, II J.